

Senate File 2078 - Introduced

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A BILL FOR

1 An Act authorizing the department of natural resources to
2 require reports regarding the number of animals maintained
3 at a confinement feeding operation, making penalties
4 applicable, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 feeding operation structures (structures), such as buildings
2 or manure storage structures, by the department of natural
3 resources (DNR).

4 BILL'S PROVISIONS — REPORTING REQUIREMENT. The bill
5 provides that for purposes of administering and enforcing Code
6 chapter 459, subchapter II relating to air quality and Code
7 chapter 459, subchapter III relating to water quality, DNR
8 may require that the owner or operator of an operation submit
9 one or more animals confined reports that contain information
10 regarding the number of animals maintained at the operation
11 in a manner and during a time period that DNR determines is
12 relevant. The report must present the information in a manner
13 that calculates the number of animals maintained as animal
14 units. The bill authorizes DNR to require a report as part of a
15 construction permit to expand a structure.

16 BACKGROUND — APPLICABLE REGULATIONS. Under Code chapter
17 459, subchapter II, applicable regulations based on an
18 operation's size include separation distances required between
19 a structure and a benefited object or location (e.g., a
20 residence) (Code sections 459.202 and 459.203). Special manure
21 storage regulations apply to a qualified confinement feeding
22 operation that exceeds a special threshold size (Code sections
23 459.102 and 459.206). Under Code chapter 459, subchapter III,
24 the requirement to obtain a construction permit applies to an
25 operation that exceeds a certain size (Code section 450.303).
26 A number of exceptions also applies to a small animal feeding
27 operation including requirements for the submission of a
28 construction design statement (Code sections 459.306 and
29 459.307), the submission of a manure management plan (Code
30 sections 459.312 and 459.312A), the application of manure on
31 snow covered or frozen ground (Code section 459.313A), and
32 the certification of certain manure applicators (Code section
33 459.315).

34 BACKGROUND — ENFORCEMENT AND APPLICABLE CIVIL PENALTIES.
35 Compliance with a statutory regulation under the Code chapter

1 includes compliance with a rule adopted by DNR (Code section
2 459.103). Code section 459.602 provides for civil penalties
3 that may be assessed for violations of Code chapter 459,
4 subchapter II (air quality regulations). A violator is subject
5 to Code section 455B.109, which provides for the administrative
6 assessment of civil penalties of up to \$10,000. Code section
7 459.603 provides for civil penalties that may be assessed for
8 violations of Code chapter 459, subchapter III (water quality
9 regulations). A violator is subject to either Code section
10 455B.109 providing for the administrative assessment of civil
11 penalties or Code section 455B.191, which provides for a
12 general civil penalty assessed judicially of up to \$5,000.
13 EFFECTIVE DATE. The bill, if enacted, takes effect upon
14 enactment.